

KEVIN V. RYAN (CASBN 118321)
United States Attorney

MARK L. KROTOSKI (CASBN 301887)
Chief, Criminal Division

THOMAS P. MAZZUCCO ((CSBN 139758)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7289
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-06-70479 MAG
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM SEPTEMBER 6, 2006 TO
)	SEPTEMBER 27, 2006 AND
JOHNSON MAI,)	EXCLUDING TIME FROM THE SPEEDY
a/k/a Zhi Xiong Mai,)	TRIAL ACT CALCULATION (18 U.S.C. §
a/k/a Uncle Hong,)	3161(h)(8)(A)) AND WAIVING TIME
a/k/a Chi Hong Mak,)	LIMITS UNDER RULE 5.1
a/k/a Hong Suk;)	
LISA LEE,)	
a/k/a Xiao Ling Li;)	
KAI LUN ZHENG,)	
a/k/a Wai Keung Cheung,)	
a/k/a Su Ming,)	
a/k/a Alan Zheng;)	
ZHI EN HUANG,)	
a/k/a Gao Lo;)	
DAVID YUEN,)	
a/k/a Lo Wu ,)	
a/k/a Wu So Gor; and)	
ERIC YU HENG CAI;)	
)	
Defendants.)	

With the agreement of the parties, and with the consent of the defendants, the Court enters this order scheduling an arraignment or preliminary hearing on September 27, 2006 at

STIPULATION AND ~~PROPOSED~~ ORDER
[3-06-70479] [MAG]

9:30A.M. before the duty magistrate judge, and documenting the defendants' waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 6, 2006 to September 27, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

3. All counsel for the defendants believe that postponing the preliminary hearing is in the clients' best interest, and that it is not in their clients' interest for the United States to indict the case during the normal 10-day timeline established in Rule 5.1. All counsel for the defendants have specifically considered the need for additional time to continue consultations with Pretrial Services on the question of their clients' eligibility for pretrial diversion.

4. The Court finds that, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 6, 2006 to September 27, 2006 outweigh the best interest of the public and the defendants in a speedy trial. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court (1) alternatively sets a preliminary hearing or arraignment before the duty magistrate judge on September 27, 2006 at 9:30A.M., and (2) orders that the period from September 6, 2006 to September 27, 2006 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

//

IT IS SO STIPULATED:

DATED: 9/23/06

/S/ Robert Waggener
ROBERT WAGGENER
Attorney for Defendant Johnson Mai

DATED: 9/22/06

/S/ Tony Tamburello
TONY TAMBURELLO
Attorney for Defendant Lisa Lee

DATED: 9/19/06

/S/ Brian Getz
BRIAN GETZ
Attorney for Defendant Zhi En Huang

DATED: 9/28/06

/S/ Stuart Hanlon
STUART HANLON
Attorney for Defendant David Yuen

DATED: 9/22/06

/S/ Randy Montesano
RANDY MONTESANO
Attorney for Defendant Eric Yu Heng Cai

IT IS SO ORDERED.

DATED: 10-10-06

